

**PATENT**  
**Application No. 09/917,507**

**Docket No. RSW920010069US1**  
**Page 13**

**REMARKS**

In the Office Action, the Examiner indicated that claims 1 through 25 are pending in the application and the Examiner rejected all claims.

**Claim Rejections, 35 U.S.C. §112**

At item 3 of the Office Action, the Examiner rejected claims 1-25 under 35 U.S.C. §112, second paragraph. The claims have been amended to remove the antecedent-basis issue with respect to claim 9. With respect to the terms "RDL" and "CARSRMAX," used in the claims, applicant submits that these terms are clearly defined in the specification and thus the definitions need not be specifically recited in the claims. Applicant has, however, defined the term "RDL" in the claims. The term "CARSRMAX" is clearly defined on page 4, lines 1-4 of the specification. Applicant submits that the claims meet the requirements of 35 U.S.C. §112, second paragraph. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims under 35 U.S.C. §112.

**Claim Rejections, 35 U.S.C. §103**

In item 5 of the Office Action, the Examiner rejected claims 1-25 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,282,561 to Jones et al. ("Jones") in view of Applicant Admitted Prior Art ("AAPA").

**PATENT**  
**Application No. 09/917,507**

**Docket No. RSW920010069US1**  
**Page 14**

**The Present Invention**

The present invention provides, for use in a portable device, a resource management method, system, and product that insures that sufficient runtime resources are available for running a new application component to be installed and stored in the flash memory of the portable device, before it is stored in the flash memory. When an attempt is made to store the new application component in the flash memory of the portable device, the storage attempt is blocked unless sufficient runtime resources are available for use by that application component and all of the application components already stored in the flash memory running simultaneously.

When determining the amount of runtime resources available to be used by the to-be-stored application, the invention assumes that all existing programs stored in the flash memory are using the maximum amount of runtime resources that they need. By storing a new application component in the flash memory only if sufficient runtime system resources are currently available; reserving runtime system resources when the new application component is stored; and running stored application components using only the amount of runtime system resources reserved for those stored application components, the present invention insures that each stored application component will always have a sufficient amount of runtime resources to execute properly. Accordingly, the present invention prevents improper operation of stored application components due to running too many application components simultaneously, poorly designed application components, and/or destructive application components.

**PATENT**  
**Application No. 09/917,507**

**Docket No. RSW920010069US1**  
**Page 15**

**U.S. Patent No. 6,282,561 to Jones et al.**

U.S. Patent No. 6,282,561 to Jones et al. ("Jones") teaches a resource management mechanism to ensure that real-time application programs running on a single machine or set of machines exhibit predictable behavior. Jones et al. is specifically concerned with managing the loading of a program into RAM when there are not enough run-time resources available, i.e., Jones may block the run-time operation of a program if there are insufficient run-time resources to properly run that program. Various options exist in Jones, including the ability to run a program at a diminished capacity using less than the optimal quantity of run-time resources and also includes a dynamic feedback mechanism for initiating renegotiation of run-time resource reservations when appropriate.

**Applicant Admitted Prior Art ("AAPA")**

The Examiner relies upon the applicant's admission of the existence of portable devices on page 1, line 6 of the present application.

**The Examiner has not Established a *prima facie* Case of Obviousness**

As set forth in the MPEP:

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skilled in the art, to modify the reference or to combine reference teachings.

MPEP 2143

**PATENT**  
**Application No. 09/917,507**

**Docket No. RSW920010069US1**  
**Page 16**

As noted above, the present invention denies complete access by a portable device to a program that a user is attempting to store in the flash memory of the portable device for use. More specifically, a determination is made as to the amount of run-time resources required to run all programs currently stored in the flash memory of the portable device at their maximum level, and a determination of the quantity of run-time resources that would remain available if such already-stored programs were operating in this manner. The present invention also determines the maximum amount of run-time resources required of the to-be-stored application, and if there is sufficient available run-time resources for all of the programs stored in flash memory and the to-be-stored program to run at their full capacity simultaneously, then the to-be-stored application is allowed to be stored in the flash memory of the portable device. If there are insufficient run-time resources, either the to-be-stored application is blocked from being stored in flash memory, or one or more of the currently-stored applications is removed to assure that there will be sufficient run-time resources for the remaining stored applications and the new to-be-stored application to run properly.

Jones contains no teaching or suggestion of this feature. Jones does manage the allocation of run-time resources so that available programs can run properly. However, the resource manager of Jones cannot block the storage of new applications in the fixed storage memory (e.g., the hard drive) of a system utilizing the Jones resource manager, and this concept is not taught or suggested by Jones. Jones simply manages the use of run-time resources by any programs stored on the fixed storage memory; the number, size, etc. of programs in the fixed storage memory of Jones is irrelevant to the disclosure of Jones.

**PATENT**  
**Application No. 09/917,507**

**Docket No. RSW920010069US1**  
**Page 17**

Applicant has amended the claims to more specifically recite the management of storage of applications in the flash memory of a portable device to more clearly distinguish this management from the run-time management taught by Jones. Each of the independent claims, and therefore each of the dependent claims, include a clear recitation of these elements. The mere acknowledgement by applicant that portable devices exist and that they require resource management does not teach or suggest the claimed invention.

Accordingly, applicant asserts that the claims, as amended, patentably define over Jones and/or Jones combined with the applicant's admitted prior art. Thus, the claims are in condition for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

#### **Conclusion**

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims.


**PATENT**  
**Application No. 09/917,507**

**Docket No. RSW920010069US1**  
**Page 18**

A Petition extending the period for response for three months is enclosed, along with a Credit Card Payment Form, authorizing the payment of the extension fee. The Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 09-0461.

Respectfully submitted

APRIL 21, 2005  
Date

  
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